

Title	RESOLUTIONS / Assembly / 9th Session / Res.A.319(9)
Note	Incorporated in 1988 LL Protocol

RESOLUTION A.319 (IX)

Adopted on 12 November 1975

AMENDMENT TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966

THE ASSEMBLY,

NOTING Article 16(i) of the IMCO Convention concerning the functions of the Assembly,

RECOGNIZING the need for improvement in the procedure for amending the technical Annexes to the International Convention on Load Lines, 1966, in order to ensure acceptance of amendments in a reasonable period of time,

NOTING FURTHER that Article 29 of that Convention provides for procedures for amendments involving participation by the Organization,

RECALLING that it adopted in Resolution A.231 (VII) amendments to certain articles and regulations of the International Convention on Load Lines, 1966,

HAVING CONSIDERED the amended Article 29 of the International Convention on Load Lines, 1966, adopted by the Maritime Safety Committee at its thirty-second session,

ADOPTS the amended text of Article 29 of that Convention which is annexed to this Resolution,

REQUESTS the Secretary-General of the Organization, in accordance with sub-paragraph (3)(b) of Article 29, to communicate for consideration and acceptance certified copies of this Resolution and its Annex, to all Contracting Governments to the International Convention on Load Lines, 1966, together with copies to all Members of the Organization,

INVITES all governments concerned to accept the amendment at the earliest possible date.

ANNEX

Article 29

Amendments

(1) The present Convention may be amended by either of the procedures specified in the following paragraphs.

(2) Amendments after consideration within the Organization :

(a) Any amendment proposed by a Contracting Government shall be submitted to the Secretary-General of the Organization, who shall then circulate it to all Members of the Organization and all Contracting Governments at least six months prior to its consideration.

(b) Any amendment proposed and circulated as above shall be referred to the Maritime Safety Committee of the Organization for consideration.

(c) Contracting Governments of States, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.

(d) Amendments shall be adopted by a two-thirds majority of the Contracting Governments present and voting in the Maritime Safety Committee expanded as provided for in sub-paragraph (c) of this paragraph (hereinafter referred to as "the expanded Maritime Safety Committee") on condition that at least one-third of the Contracting Governments shall be present at the time of voting.

(e) Amendments adopted in accordance with sub-paragraph (d) of this paragraph shall be communicated by the Secretary-General of the Organization to all Contracting Governments for acceptance.

(f)

(i) An amendment to an Article of the Convention shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Contracting Governments.

(ii) An amendment to an Annex shall be deemed to have been accepted : at the end of two years from the date on which it is communicated to Contracting Governments for acceptance : or at the end of a different period, which shall not be less than one year, if so determined at the time of its adoption by a two-thirds majority of the Contracting Governments present and voting in the expanded Maritime Safety Committee.

However, if within the specified period either more than one-third of Contracting Governments, or Contracting Governments the combined merchant fleets of which constitute not less than fifty percent of the gross tonnage of all the merchant fleets of all Contracting Governments, notify the Secretary-General of the Organization that they object to the amendment, it shall be deemed not to have been accepted.

(g)

(i) An amendment to an Article of the Convention shall enter into force with respect to those Contracting Governments which have accepted it, six months after the date on which it is deemed to have been accepted, and with respect to each Contracting Government which accepts it after that date, six months after the date of that Contracting Government's acceptance.

(ii) An amendment to an Annex shall enter into force with respect to all Contracting Governments, except those which have objected to the amendment under sub-paragraph (f) (ii) of this paragraph and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force, any Contracting Government may give notice to the Secretary-General of the Organization that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Contracting Governments present and voting in the expanded Maritime Safety Committee at the time of the adoption of the amendment.

(3) Amendment by a Conference:

(a) Upon the request of a Contracting Government concurred in by at least one-third of the Contracting Governments, the Organization shall convene a Conference of Contracting Governments to consider amendments to the present Convention.

(b) Every amendment adopted by such a Conference by a two-thirds majority of the Contracting Governments present and voting shall be communicated by the Secretary-General of the Organization to all Contracting Governments for acceptance.

(c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in sub-paragraphs (2)(f) and (2) (g) respectively of this Article, provided that references in these paragraphs to the expanded Maritime Safety Committee shall be taken to mean references to the Conference.

(4)

(a) A Contracting Government which has accepted an amendment to an Annex which has entered into force shall not be obliged to extend the benefit of the present Convention in respect of the certificates issued to a ship entitled to fly the flag of a State the Government of which, pursuant to the provisions of sub-paragraph (2) (f) (ii) of this Article, has objected to the amendment and has not withdrawn such an objection, but only to the extent that such certificates relate to matters covered by the amendment in question.

(b) A Contracting Government which has accepted an amendment to an Annex which has entered into force shall extend the benefit of the present Convention in respect of the certificates issued to a ship entitled to fly the flag of a State the Government of which, pursuant to the provisions of sub-paragraph (2)(g)(ii) of this Article, notified the Secretary-General of the Organization that it exempts itself from giving effect to the amendment.

(5) Unless expressly provided otherwise, any amendment to the present Convention made under this Article, which relates to the structure of a ship, shall apply only to ships the keels of which are laid or which are at a similar stage of construction, on or after the date on which the amendment enters into force.

(6) Any declaration of acceptance of, or objection to, an amendment or any notice given under sub-paragraph (2)(g)(ii) of this Article shall be submitted in writing to the Secretary-General of the Organization, who shall inform all Contracting Governments of any such submission and the date of its receipt.

(7) The Secretary-General of the Organization shall inform all Contracting Governments of any amendments which enter into force under this Article, together with the date on which each such amendment enters into force.
